

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Elleni Berger
aka Elleni Klimantis, aka Helen Berger
Randy D. Berger
Debtor(s)

Bankruptcy Case No.: 18-20778-GLT
Issued Per 10/8/2020 Proceeding
Chapter: 13
Docket No.: 92 – 80
Concil. Conf.: December 17, 2020 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 27, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Dec. 17, 2020 at 11:00 AM, in remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteedpa.com.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 19 of Nationstar Mortgage following payment changes of record, Claim No. 1–2 of IRS, Claim No. 5 of Fox Chapel ASD .
- ☒ H. Additional Terms: Fox Chapel ASD (Claim No. 21–2) governs as to \$12,313.18 at 10% and \$5,734.26 at 0%.

Ally Bank Claim No. 20 paid per loan modification dated 4/23/2019 (Doc 63) following payment changes of record.

No payment to PNC Bank NA (second mortgage) as nothing owed.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

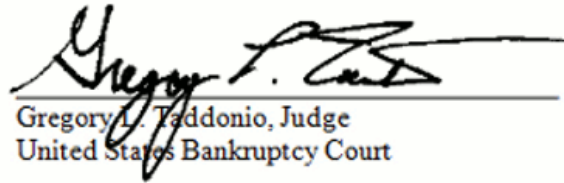
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: October 9, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Elleni Berger
Randy D. Berger
Debtor(s)

Case No. 18-20778-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas

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Date Rcvd: Oct 09, 2020

Form ID: 149

Total Noticed: 38

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 11, 2020:

Recip ID	Recipient Name and Address
db/jdb	+ Elleni Berger, Randy D. Berger, 150 Millview Drive, Pittsburgh, PA 15238-1626
cr	+ Borough of Fox Chapel, Goehring, Rutter & Boehm, 437 Grant Street, Frick Building, Pittsburgh, PA 15219 UNITED STATES 15219-6002
cr	+ Dep't of Revenue Office of Attorney General, Anthony T. Kovalchick, 564 Forbes Avenue, Manor Building, Pittsburgh, PA 15219-2908
cr	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
14831109	+ ALLY BANK, CENLAR FSB, Attn: BK Department, 425 PHILLIPS BLVD., EWING, NJ 08618-1430
14784057	+ Allstate, 1200 Atwater Drive, Suite 110, Malvern, PA 19355-8782
14784058	+ Ally Financial Bank/Cenlar, 425 Phillips Blvd, Trenton, NJ 08618-1430
14817780	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
14814960	+ Borough of Fox Chapel, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh, PA 15219-6101
14784061	+ Clearspring Loan Services, Inc., P.O. Box 52238, Idaho Falls, ID 83405-2238
14784062	Commonwealth of PA, Department of Revenue, Bureau of Compliance, Department 280946, Harrisburg, PA 17128-0432
14784065	+ Duquesne Light, 411 7th Avenue, Pittsburgh, PA 15219-1942
14784067	++ FARMERS FINANCIAL SERVICES INC, 5922 CURZON AVE, FORT WORTH TX 76107-5012 address filed with court:, Farmers Financial Services Inc., 2905 Lackland , Suite A, Fort Worth, TX 76116
14830993	+ Federal National Mortgage Association, c/o Seterus Inc, PO Box 1047, Hartford, CT 06143-1047
14784068	+ Fox Chapel Area School District, c/o Paul J. Giuffre, Solicitor, FCASD, 221 Commercial Avenue, Suite 200, Pittsburgh, PA 15215-3054
14784069	+ Fox Chapel Authority, 255 Alpha Drive, Pittsburgh, PA 15238-2944
14826966	+ Fox Chapel Authority, c/o Mark Nicely, Manager, 255 Alpha Drive, Pittsburgh, PA 15238-2944
14784070	+ Honorable Elissa Marie Lang, Magisterial District Court 05-2-04, 1205 Main Street, Pittsburgh, PA 15215-2409
15064182	+ Nationstar Mortgage LLC d/b/a Mr. Cooper, PO Box 619096, Dallas, TX 75261-9096
14784073	+ PA Department of Revenue, Bureau of Compliance, Lien Section, P.O. Box 280948, Harrisburg, PA 17128-0948
14784076	+ PNC Bank, One PNC Plaza, 249 Fifth Avenue, Pittsburgh, PA 15222-2707
14784075	Peter Wapner, Esquire, Phelan Hallian Diamond & Jones, LLP, 1617 JFK Boulevard, Suite 1400, One Penn Center Plaza, Philadelphia, PA 19103
14784077	+ Ratchford Law Group, P.C., 409 Lackawanna Ave. Suite 320, Scranton, PA 18503-2062
14784079	+ UPMC Health Services, P.O. Box 371472, Pittsburgh, PA 15250-7472
14821201	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
14821577	UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
14784080	UPMC St. Margaret, P.O. Box 382059, Pittsburgh, PA 15250-8059

TOTAL: 27

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
14825967	Email/PDF: MerrickBKNotifications@Resurgent.com	Oct 10 2020 01:49:44	Advanta Bank Corporation, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
14784060	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 10 2020 01:49:46	Capital One Bank, P.O. Box 71083, Charlotte, NC 28272-1083

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14797134	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 10 2020 01:47:51	Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
14784063	+ Email/Text: RVSVCBICNOTICE1@state.pa.us	Oct 10 2020 01:09:00	Commonwealth of PA Department of Revenue, 11th Floor, Strawberry Square, Harrisburg, PA 17128-0001
14784064	+ Email/PDF: creditonebknotifications@resurgent.com	Oct 10 2020 01:47:53	Credit One Bank, P.O. Box 60500, City of Industry, CA 91716-0500
14826777	+ Email/Text: kbarkley@bernsteinlaw.com	Oct 10 2020 01:09:00	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
14784072	Email/Text: sbse.cio.bnc.mail@irs.gov	Oct 10 2020 01:08:00	Internal Revenue Service, Cincinnati, OH 45999
14826115	Email/PDF: resurgentbknotifications@resurgent.com	Oct 10 2020 01:47:55	LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and, FNB, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14828080	+ Email/PDF: resurgentbknotifications@resurgent.com	Oct 10 2020 01:47:55	PYOD, LLC its successors and assigns as assignee, of Citibank (South Dakota), N.A., Resurgent Capital Services, PO Box 19008, Greenville, SC 29602-9008
14799099	Email/Text: RVSVCBICNOTICE1@state.pa.us	Oct 10 2020 01:09:00	Pennsylvania Department of Revenue, Bankruptcy Division P O Box 280946, Harrisburg PA 17128-0946
14822133	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Oct 10 2020 01:47:59	Verizon, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838

TOTAL: 11

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Ally Bank
cr		Bank PNC
cr		Cenlar FSB as servicer for Ally Bank
cr		Federal National Mortgage Association (Fannie Mae)
cr		Nationstar Mortgage LLC d/b/a Mr. Cooper
14784074		Pallas Associates, Inc.
cr	*+	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
14784071	*P++	INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, PHILADELPHIA PA 19101-7346, address filed with court; Internal Revenue Service, Philadelphia, PA 19255
14784059	##+	Arthur Lashin, Esquire, Hayt, Hayt & Landau, LLC, 123 S. Broad Street, Suite 1660, Philadelphia, PA 19109-1003
14784066	##+	Equitable Gas, P.O. Box 6766, Pittsburgh, PA 15212-0766
14784078	##+	Seterus, P.O. Box 1077, Hartford, CT 06143-1077
jdb	*+	Randy D. Berger, 150 Millview Drive, Pittsburgh, PA 15238-1626

TOTAL: 6 Undeliverable, 3 Duplicate, 3 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

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Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 9, 2020 at the address(es) listed below:

Name	Email Address
Ann E. Swartz	on behalf of Creditor Federal National Mortgage Association (Fannie Mae) ecfmail@mwc-law.com ecfmail@ecf.courtdrive.com
Anthony T. Kovalchick	on behalf of Defendant Commonwealth of Pennsylvania Department of Revenue akovalchick@attorneygeneral.gov
Anthony T. Kovalchick	on behalf of Creditor Dep't of Revenue Office of Attorney General akovalchick@attorneygeneral.gov
Brian Nicholas	on behalf of Creditor Ally Bank bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor Cenlar FSB as servicer for Ally Bank bnicholas@kmlawgroup.com
David Z. Valencik	on behalf of Debtor Elleni Berger dvalencik@c-vlaw.com cvlaw.ecf.dvalencik@gmail.com ; aheath@c-vlaw.com ; kmosur@c-vlaw.com ; bhassain@c-vlaw.com ; ssimmons@c-vlaw.com ; mpeduto@c-vlaw.com ; rfeil@c-vlaw.com ; eratti@c-vlaw.com
David Z. Valencik	on behalf of Joint Debtor Randy D. Berger dvalencik@c-vlaw.com cvlaw.ecf.dvalencik@gmail.com ; aheath@c-vlaw.com ; kmosur@c-vlaw.com ; bhassain@c-vlaw.com ; ssimmons@c-vlaw.com ; mpeduto@c-vlaw.com ; rfeil@c-vlaw.com ; eratti@c-vlaw.com
Donald R. Calaiaro	on behalf of Plaintiff Elleni Berger dcalaiaro@c-vlaw.com cvlaw.ecf.dcalaiaro@gmail.com ; aheath@c-vlaw.com ; kmosur@c-vlaw.com ; bhassain@c-vlaw.com ; ssimmons@c-vlaw.com ; mpeduto@c-vlaw.com ; rfeil@c-vlaw.com ; eratti@c-vlaw.com
Donald R. Calaiaro	on behalf of Plaintiff Randy Berger dcalaiaro@c-vlaw.com cvlaw.ecf.dcalaiaro@gmail.com ; aheath@c-vlaw.com ; kmosur@c-vlaw.com ; bhassain@c-vlaw.com ; ssimmons@c-vlaw.com ; mpeduto@c-vlaw.com ; rfeil@c-vlaw.com ; eratti@c-vlaw.com
Donald R. Calaiaro	on behalf of Debtor Elleni Berger dcalaiaro@c-vlaw.com cvlaw.ecf.dcalaiaro@gmail.com ; aheath@c-vlaw.com ; kmosur@c-vlaw.com ; bhassain@c-vlaw.com ; ssimmons@c-vlaw.com ; mpeduto@c-vlaw.com ; rfeil@c-vlaw.com ; eratti@c-vlaw.com
Donald R. Calaiaro	on behalf of Joint Debtor Randy D. Berger dcalaiaro@c-vlaw.com cvlaw.ecf.dcalaiaro@gmail.com ; aheath@c-vlaw.com ; kmosur@c-vlaw.com ; bhassain@c-vlaw.com ; ssimmons@c-vlaw.com ; mpeduto@c-vlaw.com ; rfeil@c-vlaw.com ; eratti@c-vlaw.com
James A. Prostko	on behalf of Creditor Ally Bank pawb@fedphe.com
Jeffrey R. Hunt	on behalf of Creditor Borough of Fox Chapel jhunt@grblaw.com cnoroski@grblaw.com
Jodi L. Hause	on behalf of Defendant PNC Bank jodi.hause@phelanhallinan.com pawb@fedphe.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Kevin Scott Frankel	on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper pabk@logs.com
Kristen D. Little	on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper pabk@logs.com klittle@logs.com
Mario J. Hanyon	on behalf of Creditor Bank PNC pawb@fedphe.com
Mario J. Hanyon	on behalf of Creditor Ally Bank pawb@fedphe.com
Mark B. Peduto	on behalf of Joint Debtor Randy D. Berger mpeduto@c-vlaw.com

District/off: 0315-2

User: dbas

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Eastern.taxcivil@usdoj.gov

Nishant Kumar

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Office of the United States Trustee

ustregion03.pi.ecf@usdoj.gov

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Thomas Song

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TOTAL: 29